IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 66 OF 2007
IN
SUMMARY SUIT NO. 3465 OF 2006

M/s. Budhraja Packaging Pvt.Ltd. ... Plaintiff.

V/s.

Genom Biotech Pvt. Ltd. ... Defendant.

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Mr. H.D. Mohta i/b. Dhruve Liladhar & Co. for the Plaintiff.
None for the Defendant.

....

CORAM : DR. D.Y.CHANDRACHUD,J.

03rd April 2007.

P.C. :

. The claim in the Summary Suit instituted under the provisions of Order 37 of the Code of Civil Procedure, 1908 is based on goods sold supplied and delivered under 14 invoices. The invoices cover the period from 8th December 2004 till 10th February 2005. An amount of Rs.7,08,314.80 is stated to be due and payable. In response to a notice of demand dated 26th August 2006, the Defendant, by a reply dated 30th September 2006

only stated that the liability of the Defendant "is much less than" what is being claimed by the Plaintiff. Besides this bold denial, the defence has not disclosed what according to the Defendant is the amount which is due and payable.

2. The Summons for Judgment has been served on the Defendant. The Defendant has entered appearance but has not filed a reply to the Summons for Judgment. A compilation of the original documents on which the claim in the suit is based has been tendered on the record. The claim is duly established on the basis thereof. The Defendant has not denied receipt of the goods nor has the Defendant raised any dispute regarding the quality or the price thereof. In any event there being no reply to the Summons for Judgment, the Plaintiff would be entitled to a decree under the provisions of Order 37 Rule 6 of the Code of Civil Procedure, 1908. The claim of the Plaintiff falls within the scope and purview of Order 37 of the C.P.C., 1908.

3. There shall accordingly a decree save and except for the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum on the principal amount of Rs.7,08,314.80 from the date of the suit on payment or realisation.